



FAIRTIMES

VOLUME 2, ISSUE 1

MARCH 2006

DIRECTOR'S MESSAGE

Since this is our first issue of 2006, it is a good time to recap and highlight some of the DFEH's initiatives and accomplishments from 2005.

First, as the story below details, the DFEH secured the largest out-of-court settlement on behalf of a complainant in the agency's history. Shirley Carper received payment of \$1 million after her housing provider denied her request for a reasonable accommodation due to her physical disability. I

would like to personally commend all of the DFEH staff members who worked so diligently on the case. I would also like to thank Project Sentinel and the San Francisco Human Rights Commission for their extensive efforts in investigating and attempting to resolve the matter prior to referring the case to the DFEH. The success of this case was truly the result of our joint efforts. This case serves as an example to all California employers and housing



providers of the importance of engaging in a timely good faith interactive process with a tenant or employee who has requested a reasonable accommodation due to a disability.

Also in 2005, we devoted a significant amount of time to

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DFEH SETTLES HOUSING CASE FOR RECORD-BREAKING \$1 MILLION

A Bay Area news outlet dubbed it "the most expensive parking place in San Francisco."

Shirley Carper had been a tenant in the 2001 California Street building

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From left: DFEH Housing Consultant Gwen Richardson, Housing Administrator Susan Sheftel, Complainant Shirley Carper (holding the \$1 million check) and Senior Staff Counsel Susan Saylor.

DIRECTOR'S MESSAGE (CONT. FROM PG. 1)

training California employers about the requirements of A.B. 1825 which took effect January 1, 2005. The Bill added Government Code section 12950.1 to the Fair Employment and Housing Act, requiring employers with 50 or more employees to provide two hours of interactive sexual harassment prevention training to their supervisors and managers by January 1, 2006, and every two years thereafter. The Fair Employment and Housing Commission ("FEHC") is currently in the process of promulgating regulations interpreting and clarifying that statute.

The DFEH provided 26 training sessions throughout California in 2005. Thanks to the generosity and support of the Equal Employment Opportunity Commission ("EEOC"), several county bar associations, including those in San Joaquin, Santa Clara, Sacramento, San Luis Obispo, San Diego, Monterey, Ventura, and Kern, and the Employer Roundtables, we were able to train over 1,150 supervisors at little or no cost to the DFEH. I especially want to thank Janie Hickok Siess, the DFEH's Assistant Deputy Director of Program and Policy Development, who developed the training modules and traveled throughout the state conducting the trainings.

As we focus upon improving our delivery of service, I am pleased to report that Governor Schwarzenegger's proposed 2006-07 budget, unveiled in January, includes augmentations to the DFEH's annual budget. Governor Schwarzenegger proposes an additional allocation of \$1,019,000 to fund 13 additional positions which will assist in improving case processing and reducing the intake appointment lag time.

Moreover, the proposed budget includes additional funding for automation of the DFEH's "right-to-sue" complaint filing and intake appointment processes. Our goal is to eventually provide nearly round-the-clock access to the DFEH's website for the purpose of scheduling intake appointments and obtaining immediate right-to-sue letters.

We are pleased to announce that our volunteer mediation program is fully operational in both Northern and Southern California. If both parties indicate a willingness to mediate their dispute prior to the investigation, the case is referred to either an Administrative Law Judge employed by the FEHC or an outside mediator who has graciously agreed to donate his/her services.

We congratulate and welcome Rosario Marin, appointed in January by Governor

Schwarzenegger to serve as Secretary of the State and Consumer Services Agency, the DFEH's umbrella agency. We were sad to bid farewell to Fred Aguiar, but congratulate him on his appointment as the Governor's Cabinet Secretary.

Finally, I want to acknowledge our hard-working DFEH staff throughout the state and commend them for all of their 2005 accomplishments -- far too many to list here. It is a joy to serve with such a devoted and enthusiastic group of civil rights workers.

As always, I look forward to hearing your feedback and suggestions as to how the DFEH can better serve Californians and fulfill its mission.

Best regards,

Suzanne M. Ambrose,
Director

ROSARIO MARIN HELMS STATE AND CONSUMER SERVICES AGENCY

On January 31, 2006, Governor Arnold Schwarzenegger announced the appointment of Rosario Marin as Secretary of the State and Consumer Services Agency.

"Rosario's decades of experience serving and representing the people of California at the federal, state and local levels have given her a unique understanding of the important ways in which government is accountable and must be responsive to the people it serves," said Governor Schwarzenegger. "She is the right person to lead the State and Consumer Services Agency and I look forward to hearing her wise counsel and advice as a member of my cabinet."

Since 2004, Secretary Marin has served as a member and chair of the Integrated Waste Management Board. She was appointed treasurer of the United States by President George W. Bush in 2001 and served until 2003. Previously, Secretary Marin served as a member of the city council and as mayor of the City of Huntington



Rosario Marin, Secretary, State and Consumer Services Agency

Park from 1994 to 2001.

Secretary Marin served under Governor Pete Wilson as deputy director of the Governor's Office of Community Relations from 1997 to 1998. She was assistant deputy director of the Department of Social Services in 1997, chair of the Council on Developmental Disabilities from 1994 to 1997, and chief of legislative affairs at the Department of Developmental Services from 1992 to 1993.

Secretary Marin has also served as a member of several public boards and commissions including as president of the Mayors and Councils Department of the League of California Cities and vice chair of the Latino caucus, chair of the Southeast Community Development Corporation and as a

member of the California Film Commission. She is a member of the Special Olympics International Board of Directors, and was formerly on the Board of Governors for Community, Mission and Lincoln Hospitals and the National Association of Latino Elected Officials.

"I am honored Governor Schwarzenegger has asked me to use my knowledge and understanding of the operations of government to better the lives of Californians in this important role," said Secretary Marin. "We should always remember government must serve the needs of the people and I look forward to continuing to work alongside the Governor to build a better California for future generations."

Marin, 47, of Huntington Park, earned a bachelor's degree in business administration from California State University, Los Angeles and completed the Program for Senior Executives in State and Local Government at Harvard University's John F. Kennedy School of Government.

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IN MEMORIAM: ANNA NEVES 1954—2006

Yet again, DFEH staff are mourning the loss of a colleague and friend.

On Sunday, February 12, 2006, Anna Neves' family, friends, and coworkers gathered to remember and celebrate her life.

Anna joined the DFEH in 2002 after a long career with the State of California which included tenures at the Department of General Services, Youth Authority, and Department of Community Services and Development. Her official title was "Associate Personnel Analyst," but Anna's varied duties included serving as the DFEH's Health and Safety Officer, and Reasonable Accommodation and Back to Work Coordinator.

An active member and Registrar of South Sacramento Moose Lodge #255, Anna was also a proud member of the Red Hat Society.

She collected bears and Betty Boop memorabilia. Anna would have been particularly happy about the results of this year's Super Bowl, given that she was a Pittsburgh Steelers fan!

In addition to her DFEH family, Anna leaves her husband of 17 years, Joe, three sons, two daughters, and seven brothers and sisters, as well as her



remembrance of Anna for this tribute, her immediate supervisor and good friend, Debra Rosales, DFEH Personnel/Labor Relations Officer, said, "I supervised her for 7 years during which time I promoted her twice. She was feisty, fun, and talented. I miss her every day." Debra also suggested passing along Anna's favorite "Beauty Tips:"

1. For attractive lips, speak words of kindness.
2. For lovely eyes, seek out the good in people.
3. For a slim figure, share your food with the hungry.
4. For beautiful hair, let a child run his or her fingers through it once a day.
5. For poise, walk with the knowledge that you never walk alone.



Anna, celebrating her 50th birthday in November 2004 with Chief Counsel Paul Ramsey and Debra Rosales, Personnel Officer.

beloved Yorkie, "Dude," and two cats.

When asked to provide a

Anna's family has asked that memorial contributions be made to the American Cancer Society for Glioblastoma Multiforme research at www.cancer.org or by U.S. mail addressed to the American Cancer Society, P.O. Box 22718, Oklahoma City, OK 73123-1718.

AFRICAN AMERICAN HISTORY MONTH TAKES ON SPECIAL SIGNIFICANCE THIS YEAR FOR THE DFEH'S JOE ARENAS

Dr. Carter G. Woodson, a Harvard Ph.D. whose parents had both been slaves, is credited with originating "Negro History Week" in 1926. Dr. Woodson, a historian who dedicated his life to assuring that black history be accurately documented and disseminated, chose the second week in February because it included the birthdays of both Frederick Douglass and Abraham Lincoln. In 1976, America's Bicentennial year, Black History Month was formally adopted to honor and emphasize the importance of black history as part of the American experience. The 2006 topic of what is now known as African American History Month is "Celebrating Community: A Tribute to Black Fraternal, Social and Civic Institutions."

Governor

Schwarzenegger observed in his Proclamation this year that "[t]he observance calls our attention to the extraordinary contributions African Americans have made to the rich cultural history of our

nation . . . African American History Month gives us the opportunity to recognize the continued need to build a society that embraces diversity and fully lives up to its democratic ideals. This month, we pay tribute to the organizations and the visionary African American men and women behind them, who over the years have persevered to unify their communities, instilling pride and purpose in fellow citizens of African descent."

The commemoration this year is particularly meaningful for one member of the DFEH family who recently stood witness to



This 1956 booking photo of Rosa Parks, taken by the Montgomery, Alabama Police during the bus boycott, was discovered in 2004 by a deputy cleaning out a storage room.



Joe Arenas shot this photograph as he waited in line, with thousands of other people, to enter the Capitol and pay his respects to civil rights pioneer Rosa Parks.

history as he paid tribute to an icon of the American Civil Rights Movement.

Rosa Parks earned her place in American history on December 1,

1955, when she refused to give up her seat on an Alabama public transit bus to a white man. By that winter day in December 1955, Ms. Parks already had a distinguished record of service and commitment to civil rights, having worked for the Union of Sleeping Car Porters, and served as the secretary of the NAACP and Adviser to the NAACP Youth Council. She had also attempted to vote on several occasions when it was still virtually impossible for African Americans to do so. She had been evicted from public buses in the past. Her arrest, trial, and the 381-day Montgomery bus boycott led by Dr. Martin Luther King, Jr. followed her heroic stand and in November 1956, the United States Supreme Court ruled that segregation in transportation is unconstitutional.

In a 1996 interview, Ms. Parks described her pragmatic reason for refusing to yield her seat, poignantly describing the degradation she and other Black Americans routinely suffered: "I didn't want to pay my fare and then go around

the back door, because many times, even if you did that, you might not get on the bus at all. They'd probably shut the door, drive off, and leave you standing

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\$1 MILLION SETTLEMENT (CONT. FROM PG. 1)

building for 24 years when, in May 2000, she first requested that her landlord reassign her parking space and provide an extra key for her caregiver's use. Ms. Carper suffered from an arthritic condition which severely limited

her ability to walk up and down stairs.

Unlike the parking spaces situated on the building's first floor, her parking space in the lower level garage could not be reached by using the elevator. Ms. Carper provided her landlord with written verification from her physician that her request for a reasonable accommodation was necessitated by her physical disability.

When her landlord failed to discuss her need for an accommodation, Ms. Carper contacted Project Sentinel and the San Francisco Human Rights Commission for assistance. A three-year battle for an accessible parking space ensued during which approximately nine (9) suitable parking spaces became available. Ms. Carper was neither informed of that fact nor offered one of those spaces. Furthermore, during the entire period that Ms. Carper was denied a reasonable

accommodation, the building manager, who did not need a parking place accessible from the elevator, used such a space.

It was not until April 2003 that Ms. Carper's request was



finally granted. By that time, the DFEH had filed suit against the building owners and management in San Francisco County Superior Court, contending that the building owners had violated the Fair Employment and Housing Act ("FEHA") by subjecting Ms. Carper to discrimination and harassment because of her physical disability.

Because the landlord refused to assign her an accessible parking space, Ms. Carper was forced to traverse the staircase pictured (right) in order to move between her vehicle and apartment, or wait for assistance from others.

Finding herself increasingly dependent upon the assistance of others, Ms. Carper stated that she felt like a prisoner in her home.

To compound matters, the building owners and their counsel sent Ms. Carper letters expressing

disbelief about

her physical disability, and noting that she did not appear to them to be as disabled as she claimed.

Ms. Carper was also advised by the landlord, in writing and orally, that she was being surveilled — the landlord was

monitoring her comings and goings via security cameras installed throughout the building.

In addition to emotional injuries, Ms. Carper's physician, Scott Dye, M.D., testified at trial that she was required to undergo knee replacement surgery sooner than she would have were it not for the landlord's refusal to grant the reasonable accommodation she sought. The use of the stairs aggravated and exacerbated Ms. Carper's physical disability and hastened surgical intervention.

Following an eight (8) day trial, the jury found the building owners had violated the FEHA by harassing Ms. Carper and denying her a reasonable accommodation

DFEH Chief Counsel Paul Ramsey, Ms. Carper, Senior Staff Counsel Susan Saylor and Staff Counsel Gregory Fisher celebrate the historic settlement.

because of her physical disability. Ms. Carper was awarded compensatory damages of approximately \$250,000.

The jury also concluded that the standard for an award of punitive damages had been satisfied as to all defendants. Before the jury heard evidence concerning defendants' financial status for the purpose of computing the punitive damages award, the parties settled the case for \$1 million in compensatory damages, the largest settlement of

a pending lawsuit in the DFEH's history.

Under the terms of the settlement, the landlord is required to develop and disseminate to all residents a written policy regarding their right under the FEHA to receive, and the owner's duty to provide, reasonable accommodation and undergo training regarding the duties of a landlord under the FEHA.

The case, *DFEH v. 2001 California Street Partnership, et. al.*, illustrates

the importance of engaging in the interactive process when an employer or housing provider is put on notice of an employee or tenant's need for an accommodation due to a disability. It also serves as a model for working in partnership with other civil rights organizations. The results achieved would not have been possible without the excellent work by Project Sentinel and the San Francisco Human Rights Commission.



Two views of the stairway Complainant Shirley Carper had to navigate in order to access her vehicle from her apartment building's garage.

WOMEN'S HISTORY COMMEMORATED IN MARCH

The Women's Rights movement of the 1960's and 70's spawned week-long celebrations of women's history on university campuses across America. In California, the Education Task Force of the Sonoma County Commission on the Status of Women is credited with establishing the first "Women's History Week" celebration in this

state, designed to coincide with International Women's Day which had been commemorated each March 8 since 1911.

To address the absence of information about women in America's schools, the National

Women's History Project ("NWHP") led a movement to have Congress designate a celebration to recognize women's historic

achievements. The goal was to ensure that information about the innumerable ways women have changed America would be incorporated into the curriculum.

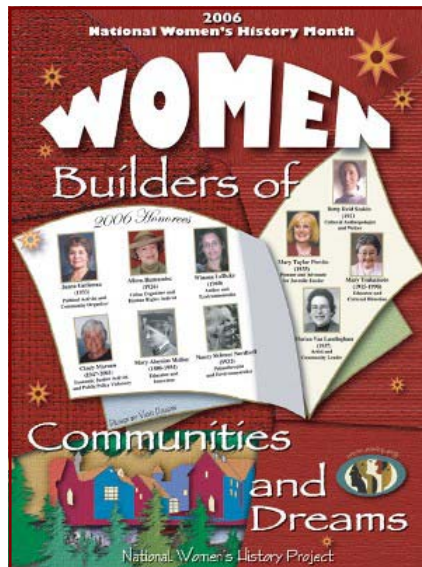
In 1980, President Jimmy Carter issued the first Proclamation

calling upon the American people to remember the contributions of women. The following year, Congress issued its first resolution declaring Women's History Week. By 1987, fourteen governors had declared March as

Women's History Month and that same year Congress and the President followed by declaring March as National Women's History Month.

This year's theme is *Women: Builders of Communities and Dreams*, honoring women for bringing communities together and restoring hope in the face of impossible odds.

The NWHP explains: "The purpose of women's history is not to idealize women, but, rather, to present an authentic view of history and, through education about women's history, instill an understanding of the importance of women to American culture and the significance of women's contributions to the American experience, while challenging some of our cultures' most unconscious and archaic assumptions about women."



DFEH VOLUNTEER MEDIATION PROGRAM GOING STRONG

The DFEH's Volunteer Mediation Program offers complainants and respondents the opportunity to participate in mediation immediately after a complaint of discrimination has been filed with the DFEH, but before the commencement of the DFEH's neutral, fact-finding investigation. Mediation services are provided at no cost to either party. When a case is referred to the Mediation Unit by the DFEH

District Office, a volunteer mediator is assigned. The mediator contacts both parties to ascertain their willingness to participate in the process. If both agree, the mediator schedules and conducts the mediation.

Interpreters and reasonable accommodations are provided.

If one or both parties decline to mediate or the mediation session does not result in a settlement

being reached, the case is referred back to the DFEH's Enforcement Division for investigation.

The DFEH currently has 13 volunteer mediators participating in the program, in addition to the Fair Employment and Housing Commission's three Administrative Law Judges. Mediators are conveniently located throughout the southern and northern regions of the state, as well as in the Bay Area.

AFRICAN AMERICAN HISTORY MONTH (CONT. FROM PG. 5)

there."

Ms. Parks died on October 24, 2005, at the age of 92. Because of her contributions to the fight for equality in the United States, she became the first woman in American history to lie in state at the Capitol, an honor usually reserved solely for Presidents of the United States.

Joe Arenas, Housing Consultant in the DFEH's Fresno District Office, arrived in Washington, D.C. on October 31, 2005, to attend the National Fair Housing Training Academy, sponsored by the Department of Housing & Urban Development ("HUD").

Joe says, "It was ironic that, on the very day that Ms. Parks' body was lying in state, I happened to be working for the DFEH, the country's largest state-run civil

rights enforcement agency, and present in Washington, D.C. for civil rights enforcement training. We speak with people on a daily basis who feel they have been discriminated against. They have said to themselves, 'this isn't right,' and taken a stand by reaching out to the DFEH for assistance. I can only imagine what went through Ms. Parks' mind on that fateful day when she said to herself, 'this isn't right,' and opted not to yield her seat."

Joe considers himself honored to have been among the mourners who filed by Ms. Parks' casket. He describes it as a "stoic experience. There were thousands of people lined up to walk through the Capitol Rotunda to pay their last respects. I was part of the first group that stood in line. I entered

the line about 2:30 p.m., and it wasn't until 9:00 p.m. that I was finally walking through the Rotunda. All through that evening there was a sense of dignity, respect, calm, patience, quiet, and peace among the people waiting to pay their last respects. There were people of all ages, different races, men and women, who, by their presence there, were saying 'thank you' to Ms. Parks." As Joe exited the front doors of the Capitol that evening, there were still thousands more people waiting in line.

"I feel proud to have been there and to have represented DFEH at that moment in time." Thank you, Joe, for being our ambassador and honoring Ms. Parks' memory and her contributions to civil rights on behalf of all of us here at the DFEH.

LEGISLATIVE UPDATE

The following bills are currently pending in the California Legislature:

A.B. 2371 (Levine) – This bill will invalidate arbitration agreements between employers and employees relating to employment practices covered by the FEHA that are required as a condition of employment.

A.B. 2618 (Berg) – If enacted, this bill will establish a three-year statute of limitation for causes of action brought under California Civil Code sections 51 (the Unruh Civil Rights Act), 51.5, 51.6, 51.7 (the Ralph Civil Rights Act) or 51.9.

A.B. 2800 (Laird) – This bill proposes conforming various California statutes addressing housing and housing-related matters to the protected bases expressed under the FEHA.

A.B. 2980 (Nunez) – If signed into law, this bill would mandate that the DFEH maintain a mediation program.

S.B. 1745 (Kuehl) – This bill seeks to amend the FEHA such that victims of domestic violence, sexual assault or stalking will be protected from discrimination in employment and housing.



\$80,00 SETTLEMENT REACHED IN DISABILITY DISCRIMINATION CASE

The DFEH recently settled a housing case for \$80,000 on behalf of a complainant who contended that he had been subjected to discrimination and denied a reasonable accommodation because of his physical disability.

In a civil complaint filed in Los Angeles County Superior Court, the DFEH contended that the landlord violated the Fair Employment and Housing Act, discriminating against the complainant, who has AIDS, by refusing to accept rental assistance checks issued to the landlord by a social service organization.

"Something as reasonable as accepting a third party check to pay the rent of a person with AIDS does not impose an economic hardship for a housing provider," according to DFEH Director Suzanne Ambrose. "It is unfortunate that instances exist where landlords either ignore or

are unaware of their responsibility to provide reasonable accommodation for individuals with disabilities."

Due to ill-health, the tenant, who had resided in the rental unit since 1997, was unable to work. His only source of income, State Disability benefits, was insufficient to cover his rent and other living expenses each month. He received assistance from a social services organization that provides rent subsidies for persons with AIDS. The new owner refused to accept the rental assistance payments from the social services organization because the checks could only be made payable to the legal owner of the housing accommodation, a trust, instead of to the individual tenant.

In March 2003, facing eviction, the tenant contacted the Housing Rights Center, a HUD-sponsored nonprofit organization that addresses housing discrimination.

The Housing Rights Center sent letters to the landlord on behalf of the tenant requesting a reasonable accommodation, i.e., acceptance of the rental assistance payments. The tenant also filed a complaint with the DFEH. The landlord refused the reasonable accommodation requests. Rather, the landlord returned the third-party checks, served 3-day notices and an unlawful detainer complaint upon the tenant, refused the tender of rent in cash, and ultimately succeeded in evicting the tenant from the rental unit. The new trustee/landlord sold the property while the eviction was in progress.

Prior to pre-trial motions and a scheduled jury trial, the parties entered into the settlement agreement, under the terms of which the landlord agreed to pay the tenant \$80,000. The principal owner/trustee, will no longer be involved in the rental of apartments.

DFEH UNVEILS PUBLIC SERVICE ANNOUNCEMENTS

The DFEH recently released two 30-second Public Service Announcements (PSAs) to be aired on California radio stations.

The PSAs are part of a statewide public awareness campaign aimed at educating Californians about how to help prevent discrimination in the areas of employment, housing and public services.

"Protection under the Law" advises Californians that California law protects them from discrimination in employment, housing and public services, providing specific examples of behavior which may constitute discrimination.

"The Job Interview" enumerates topics which should and should not be discussed during the job

interview process. Consumers are informed that the DFEH offers guidance to both employers and applicants and advises how to obtain more information.

The PSAs are available in English and Spanish and may be aired by radio stations free of charge. They can be downloaded at www.scsa.ca.gov/DFEH.PSAs.htm.

DFEH CUSTOMER SERVICE INITIATIVE KICKS OFF WITH GEOGRAPHIC REALIGNMENT

In keeping with Governor Schwarzenegger's commitment to an efficient and responsive State government, the DFEH has kicked off its Customer Service Initiative. The DFEH's goal is to be the model of customer service among State agencies. Throughout the year, the DFEH will be implementing several new programs aimed at providing the most efficient service possible to persons seeking assistance from the DFEH. Among the proposed projects are enhancing the public's access to the DFEH through new automation technology, expansion of the methods by which the public may provide feedback about service received from the DFEH, and ongoing staff training on customer service. Look for updates in future editions of "Fairtimes."

In addition, the DFEH recently realigned the geographic areas served by several of its employment District Offices. Effective March 1, 2006, the counties served by the respective employment District Offices are:

Bakersfield District Office (661) 395-2729	Kern, Santa Barbara, Ventura
Fresno District Office (559) 244-4760	Fresno, Inyo, Kings, Madera, Mariposa, Merced, Mono, Stanislaus, Tulare
Los Angeles District Offices (213) 439-6701 / (213) 439-6702	Los Angeles, San Bernardino
Oakland District Office (510) 622-2941	Alameda, Contra Costa, Napa, Solano
Sacramento District Office (916) 445-5523	Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, Yolo, Yuba
San Diego District Office (619) 645-2681	Imperial, San Diego
San Francisco District Office (510) 622-2973	Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, San Mateo, Sonoma
San Jose District Office (408) 277-1277	Monterey, San Benito, San Luis Obispo, Santa Clara, Santa Cruz
Santa Ana District Office (714) 558-4266	Orange, Riverside

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The Department of Fair Employment and Housing (“DFEH”) is the largest state civil rights agency in the country. It was established by the Legislature in 1959 as the Division of Fair Employment Practices and was initially part of the Department of Industrial Relations.

In 1980, the DFEH was established as an independent department charged with enforcing California's comprehensive employment, housing, public accommodations and public service nondiscrimination laws, as well as the State's bias-related hate violence law.

The DFEH has jurisdiction over both private and public entities operating within the State of California, including corporate entities, private sector contracts granted by the State of California, and all State departments and local governments.

The DFEH receives and investigates discrimination complaints of employment, public accommodations and hate violence in its ten district offices throughout the State, as well as two offices that handle housing cases. In addition, there are three legal offices which litigate cases and provide legal support to the district offices.

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Dated Material